

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JOSE L. MOLINA, *pro se*,

Plaintiff,

-against-

JULIGO BENOT and  
JOSE FERNANDO RODRIGUES,

Defendants.  
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**ORDER DENYING LEAVE TO FILE**

08-MC-360 (DLI)(LB)

**DORA L. IRIZARRY, U.S. District Judge:**

On July 7, 2008, the court received a brief hand-written complaint from *pro se* litigant Jose L. Molina, along with a request that the action be filed. For the reasons set forth below, Molina's request for leave to file the complaint is denied.

Molina has been barred from filing any new *in forma pauperis* action in this court without first obtaining leave of the court, pursuant to the court's June 20, 2008 Order in *Molina v. FBI Clerk Alen, et al.*, Docket No. 08-CV-1757 (RJD) (LB). As recounted in this court's April 23, 2008 Order in *Molina v. Gannett, et al.* and *Molina v. FBI Clerk, et al.*, Docket Nos. 08-CV-1618 (DLI) (LB) and 08-CV-1674 (DLI) (LB), Molina has filed multiple frivolous actions in this court, each of which was dismissed as frivolous and/or for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) and (ii).

In compliance with the June 20, 2008 Order, Molina has included a request for permission to file the instant complaint. However, he neither asserts a valid cause of action nor offers any reason for the court to reconsider its prior finding that the court's resources are more properly devoted to legitimate litigants and claims. Indeed, like his previous complaints, the instant proposed complaint contains only brief and vague factual allegations and fails to state any federal claim for relief.

Accordingly, Molina is denied leave to file the instant action. Similar to his previous actions, the instant complaint lacks any basis in law or fact and, thus, is improper and frivolous. 28 U.S.C. § 1915(e)(2)(B). The court's Order barring him from filing future *in forma pauperis* complaints remains in effect. The Clerk of the Court is directed to return, without filing, any future *in forma pauperis* complaint submitted by Molina that does not contain a request for leave to file. The court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore *in forma pauperis* status is denied for purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED

Dated: Brooklyn, New York  
August 10, 2008

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DORA L. IRIZARRY  
United States District Judge